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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.8520 OF 2005
IN
CRIMINAL APPEAL NO._____ OF 2005

The State of Maharashtra)..Applicant

Versus

Vitthal Dnyanu Sawant)..Respondent

Smt.V.R.Bhosale, Additional Public Prosecutor, for the Applicant.

CORAM : V.G.PALSHIKAR, Acg.C.J. &
SMT. NISHITA MHATRE, J.
DATED : 31ST AUGUST 2006

P.C.:

. This application seeks leave to appeal against the Order dated 31st August 2005 by which the learned II Additional Sessions Judge, Satara, acquitted the accused of offence under Section 302 of the Indian Penal Code.

2. The reason given by the learned trial Judge is that admittedly there was no light at the time when the assault alleged to have been taken place. According to him, therefore, it was difficult to accept the evidence of the victim in relation to identification. As identification itself was doubtful, conviction was deemed not possible by the learned trial Judge. In our opinion, there is no error in such approach. Hence, application rejected.

(V.G.PALSHIKAR, Acg.C.J.)

(SMT.NISHITA MHATRE, J.)